

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

JUSTIN HUTCHINSON

CIVIL ACTION NO. 24-1532

VERSUS

JUDGE S. MAURICE HICKS, JR.

COREY REED, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is an Appeal of a Magistrate Judge Decision filed by Plaintiff Justin Hutchinson (“Hutchinson”). See Record Document 27. Specifically, Hutchinson appeals Magistrate Judge Hornsby’s Memorandum Order denying his Motion to Compel. See Record Document 26. The State of Louisiana, through the Louisiana Department of Public Safety & Corrections (“DPS&C”), opposed. See Record Document 29. Hutchinson replied. See Record Document 30. For the reasons set forth below, the Magistrate Appeal (Record Document 27) is **DENIED**, and Magistrate Judge Hornsby’s Memorandum Order (Record Document 26) is **AFFIRMED**.

Hutchinson filed this civil rights action against Defendants Master Sergeant Corey Reed (“M.Sgt. Reed”) and DPS&C (collectively, “Defendants”). See Record Document 11 at 1. Hutchinson alleges that he was in the infirmary at the David Wade Correctional Center, sitting in a chair in full restraints, when he was attacked from behind by M.Sgt. Reed. See id. He asserts three causes of action: (1) § 1983 violation of civil rights; (2) battery/negligence; and (3) respondeat superior. See Record Document 1-2 at 6–7.

Hutchison appeals Magistrate Judge Hornsby’s denial of his Motion to Compel on the grounds that he has no other way to obtain the service information of M.Sgt. Reed.

See Record Document 27 at 1. He contends that opposing counsel has refused all requests. See id. at 2. Therefore, he suggests that the State of Louisiana should file the contact information under seal and an order may issue to the Marshall's Office to effectuate service without advising Hutchison of the service address. See id. DPS&C opposes, arguing that Magistrate Judge Hornsby's Memorandum Order is correct in finding that discovery is premature at this time, as the parties have not conducted a Rule 26(f) conference or exchanged initial disclosures. See Record Document 29 at 1. Hutchison replies, reiterating that his appeal should be granted. See Record Document 30 at 1.

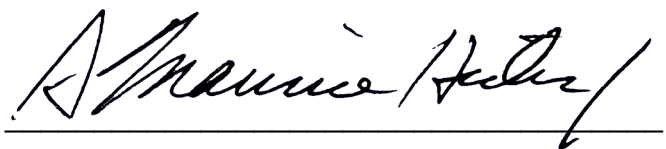
Pursuant to 28 U.S.C. § 636(b)(1)(A), “[a] party may ask the district court to review a magistrate judge’s non-dispositive pretrial order.” Berrios v. Magnus, No. 22-00139, 2022 WL 5287782, at *1 (W.D. Tex. Oct. 6, 2022). “The district judge may set aside the magistrate judge’s order when it is ‘clearly erroneous or contrary to law.’” Do No Harm v. Edwards, No. 24-00016, 2024 WL 4884426, at *1 (W.D. La. Nov. 25, 2024) (quoting 28 U.S.C. § 636(b)(1)(A)). Magistrate judges are “afforded great discretion” on discovery matters. Id. (quoting Albermarle Corp. v. Chemtura Corp., No. 05-1239, 2008 WL 11351528, at *1 (M.D. La. Apr. 22, 2008) (citing Meritt v. Int’l Bro. of Boilermakers, 649 F. 2d 1013 (5th Cir. 1981))). “Under a ‘clearly erroneous or contrary to law’ standard of review, district courts ‘shall affirm the decision of the magistrate judge unless, based on all the evidence, the court is left with a definite and firm conviction that the magistrate judge made a mistake.’” Id. (quoting Progressive Waste Solutions of La., Inc. v. Lafayette Consol. Gov’t, No. 12-00851, 2015 WL 222392, at *2 (W.D. La. Jan. 14, 2015)).

The Court finds that Hutchinson has not shown clear error in Magistrate Judge Hornsby's Memorandum Order denying his Motion to Compel. Magistrate Judge Hornsby reasoned that DPS&C had responded and denied the Requests for Admission. See Record Document 26 at 2. Furthermore, the Motion to Compel was premature with respect to discovery responses because the parties have not held a Rule 26(f) conference or exchanged initial disclosures. See id. Magistrate Judge Hornsby held that the parties could begin discovery once they have held a Rule 26(f) conference and filed a Rule 26(f) report with the Court. See id. This Court agrees with Magistrate Judge Hornsby's findings, and thus, Hutchinson's appeal is without merit. See FED. R. CIV. P. 26(d)(1) ("A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)....").

For the reasons stated above,

IT IS ORDERED that Hutchinson's Appeal of a Magistrate Judge Decision (Record Document 27) is **DENIED**. Magistrate Judge Hornsby's Memorandum Order denying the Motion to Compel (Record Document 26) is **AFFIRMED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 16th day of April, 2025.

A handwritten signature in black ink, appearing to read "A. Maurice Hatcher", written over a horizontal line.

UNITED STATES DISTRICT COURT JUDGE